

REMARKS

The Examiner raised certain questions with respect to the drawing. Applicant encloses herewith drawings indicating the proposed changes to Figure 12. Specifically, the number 16A has been added to identify the prongs of the clips 16. The number 28B has been added to identify the slot cooperative with the rib 28A. Acceptance of the amended drawing and enclosed replacement sheets are respectfully requested.

With respect to the specification, a typographical error has been corrected at page 7 in paragraph 35. In paragraph 39, reference has been made to the potential utilization of an incandescent bulb as set forth in the Summary of the Invention. At page 10 reference has been made to Figure 12 as requested by the Examiner.

With respect to the claims, independent claim 1 has been amended and is believed patentable for the reasons set forth hereinafter. Independent claim 15 is a newly presented independent claim. Claims 2 and 6 have been cancelled. Claims 5, 8, 9, 10, and 11 have been amended for purposes of clarification. Claims 12-19 are newly presented claims.

Briefly, the invention relates to a miniature or small flashlight. In particular, the flashlight uses LED bulbs and thus incorporates the use of disc shaped, lithium batteries which provide a voltage adequate to power an LED bulb. The flashlight is comprised of two generally mirror image sections which are fabricated from molded plastic and together form a disc shaped chamber for receipt of the battery and a projecting, elongate tube from that disc shaped chamber through which conductive wires are directed and in which a bulb is positioned at the distal end thereof. The flashlight employs a number of novel construction features including an arrangement whereby the clip associated with the flashlight serves the dual function of providing

a pocket clip capability as well as an electrical conductive capability. The clip is designed for cooperation with a contact within the thin, hollow tube of the light, that contact being retained in position in a positive manner in order to align it properly with a passage in the tube for the conductive clip. The molded plastic housing includes generally planar, opposed sides defining the battery chamber. One of those sides includes a removable cover for access to replace the batteries. The opposite side is configured so that it will receive the conductive metal pocket clip.

With the configuration and arrangement of the invention, the light can be easily maintained in the pocket of a mechanic. It can be easily repaired or in other words, the battery may be easily replaced without significant disassembly of the flashlight. The construction of the various contacts and their arrangement within the interior of the housing is simplified relative to prior art structures. Thus, it is believed that the claimed invention as set forth in the amended claims is distinguishable from the prior art.

Referring to the prior art, the Examiner rejected the claims principally on the combination of two references; namely, Kaye, U.S. Patent No. 3,737,650 taken with Galli, U.S. Patent No. 6,523,973. The Kaye patent, as understood, was cited for its showing of a pen light using a metal clip to complete an electric circuit. The light utilizes incandescent bulbs and what appears to be type AA or AAA batteries. That is, the batteries are within a cylindrical elongate housing and contact the incandescent bulb positioned within that housing. The Galli reference discloses a miniature flashlight using a light emitting diode (LED). The Galli reference teaches a housing wherein the batteries are retained in a chamber and one side of the housing is comprised of a flexible plastic cover which may be manually depressed to actuate a spring biased contact

member retained within the housing. The Examiner asserted that combining the teachings of these two references results in the claimed invention.

Applicant respectfully traverses the rejection, in particular, with respect to amended claim 1, as well as newly presented independent claim 15.

With respect to claim 1 there are a number of construction and functional distinctions. First of all, the molded plastic housing includes a disc chamber end or section for receipt of the disc batteries. The construction further includes a projecting hollow elongate tube projecting from the chamber section. Further, the chamber section includes first and second generally planar opposite sides wherein one of the sides incorporates a removable cover for access to the interior of the chamber. It is noted that the metal clip which provides a conductive pathway from the disc shaped batteries projects over the projecting hollow tube and is capable of being elastically deformed to engage a contact member retained within the projecting hollow tube. Consequently, structurally the claimed subject matter of claim 1 is quite different from the prior art.

For example, Kaye does not disclose a battery chamber and a separate, projecting, hollow tube section. Rather, the batteries of Kaye are retained within a hollow cylindrical member. Similarly, Galli does not disclose such a construction. The benefit of the present invention is that the conductive clip may be attached to the battery section and the flashlight then easily placed within the pocket of an individual. The construction is not nearly as bulky as the prior art. Further, the pocket clip mechanism for actuating the light is easily accessed. Further, the claimed positioning of the removable cover for the battery chamber is not taught by any of the references. The secondary reference to Saitoh, U.S. Patent No. 4,223,521 clearly does not teach

that the battery chamber should be positioned at the end of a projecting hollow tube section and that one side of the battery chamber should employ a conductive pocket clip member whereas the other side will comprise a removable cover. Thus, various features set forth in claim 1 are not taught nor suggested nor can result from the combination suggested by the Examiner.

With respect to claim 15, the claim calls for generally mirror image sections to form a housing for the flashlight construction. Of course, the references do not teach the concept of using substantially mirror image sections. Further, the claim calls for the utilization of a "second lead" which engages with the generally cylindrical conductive contact member that is retained in alignment with the passage through the hollow tube. Means or wall sections are provided on the inside of the hollow tube to retain the second contact in alignment with the passage through which the pocket clip must pass in order to complete a circuit.

The dependent claims 16, 17 and 18 set forth alternative wall sections for maintaining the second contact in alignment with the passage.

None of the prior art references teach the concept of a second contact aligned with a passage and including such wall sections on the interior of generally mirror image molded plastic housing members for retaining a contact in an appropriate and aligned position with a passage for engagement with a conductive pocket clip. For example, the Kaye reference does not include wall sections that hold the second contact in an aligned position with a passage. Rather, in the Kaye reference, the contact member or metallic strip 30 appears to comprise a metal strip which is attached to or engages an incandescent light member 18 at one end and a slot at its opposite end. In any event, the strip 30 does not comprise a cylindrical member engagable with a wall section on the inside of generally mirror image housing sections.

In view of the foregoing, therefore, it is believed that the claims in their amended condition are allowable. Reconsideration and passage to allowance is earnestly solicited.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: December 2, 2004

By: Jon O. Nelson
Jon O. Nelson
Counsel for Applicant
Reg. No. 24,566

Banner & Witcoff, Ltd.
Ten South Wacker Drive
Chicago, Illinois 60606
(312) 463-5000

370677

Serial No. 10/714,485
Attorney Docket No. 10628.00087



LED FLASHLIGHT CONSTRUCTION
Inventor: Kevin L. Tally
Serial No. 10/714,485 – Art Unit 2875
Banner & Witcoff, Ltd. – (312) 463-5000
Attorney Docket No. 10628.00087
Sheet 1 of 1

FIG.12

